

APPENDIX 4. AVIATION STANDARDS1. ENVIRONMENTAL RESPONSIBILITIES.

- * a. As the responsible official under NEPA, the Aviation Standards Office Managers, Regional Division Managers, and/or staff shall implement the environmental assessment procedures, including developing an EIS or FONSI as appropriate. Normally, the district/field office responsible for the action is responsible for the environmental assessment. Regional Division Managers and staff will assist and monitor district/field offices activities in the accomplishment of environmental assessments. Regional Flight Standards and Aircraft Certification Divisions shall coordinate with and assist as necessary the airway facilities, air traffic, and airports division and others on those actions involving environmental impacts crossing division lines. The headquarters divisions, with assistance from the regions, will develop and coordinate FONSI actions for programs. *
- b. Documentation, including the analysis of environmental factors, shall be retained in the project folder to substantiate the environmental assessment. This should be prepared for all projects not categorically excluded to support the decision that an EIS or FONSI will be prepared.
- * c. In the Washington headquarters each EIS and FONSI pertaining to a regulatory project will be prepared for the signature of the appropriate Office Director and a concurrence signature from the Safety Regulations Division, APR-200. *

2. ENVIRONMENTAL IMPACT STATEMENT OR FINDINGS OF NO SIGNIFICANT IMPACT.

Environmental considerations of Aviation Standards actions require assessment of all relevant environmental factors. A decision as to whether the action's impact requires a FONSI or an EIS is based on the assessment.

3. ACTIONS SUBJECT TO ENVIRONMENTAL ASSESSMENT PROCEDURES.

The following Aviation Standards actions are subject to environmental procedures, analysis and a decision as to whether to prepare a FONSI or an EIS.

- a. Aircraft Type Certificates. New, amended or supplemental aircraft types for which environmental regulations do not yet exist, or new, amended or supplemental engine types for which regulations do not yet exist, or where an environmental analysis has not yet been prepared in connection with regulatory action.
- b. Aircraft/avionics maintenance bases to be operated by the FAA.
- c. Regulations (and exemptions and waivers to regulations) which may affect the human environment.

d. Authorization to exceed Mach 1 Flight under FAR Part 91.55.

- * e. Issuance of an air carrier operating certificate, an operating certificate, the approval of operations specifications or amendments thereto that may significantly change the character of the operational environment of an airport. The person responsible for issuing the certificate or approving the operations specifications is also responsible for assuring the assessment is prepared. Thorough coordination among Flight Standards District Office personnel, the Regional Flight Standards Division and the Regional Noise Abatement Officer is essential. Coordination among regions is expected if actions cross regional boundaries.

Normally, the Flight Standards District Office personnel will collect from the operator the information necessary to prepare a noise analysis for an assessment. The type of information needed includes; airports, types of aircraft and engines, number of scheduled operations per day, and the number of day/night operations. The information should also include the operator's long range plans and operation assumptions which are sufficiently conservative to encompass reasonably foreseeable changes in operations. If the carrier declines to furnish the information, or if the furnished information on operations at the airport does not address night operations, or if the information otherwise patently understates the potential operations (when compared with carrier's operations at other airports or with other carrier's operations at that airport), the responsible Federal official will develop an operational assumption which includes night operations and which is otherwise consistent with the typical operations of similar carriers at similar airports. This operational assumption will be used in the environmental assessment after coordination with the affected air carrier. If the air carrier objects to the use of this operational assumption in the assessment, the carrier may specify that a lesser level of operations be used in the assessment, provided that the carrier agrees that this lesser level will serve as a limit on the operations specifications. If the carrier refuses such a limitation, the FAA will include all reasonably foreseeable operations in the assessment. In this situation the assessment shall state the operational assumption was developed solely for the purpose of environmental analyses and that it is not to be viewed as a service commitment by the carrier.

If an EIS is required, the affected operator should be advised as soon as possible and should be requested for any additional required information. District Office personnel will coordinate, as necessary, any activity with the operator. The certificate will not be issued or the operations specifications approved until all issues and questions associated with the EIS are fully resolved and the Regional Director has concurred with the issuance or approval. No decision on the proposed action can be made until 90 days after EPA has published a notice in the Federal Register for a draft EIS or 30 days after publication of the notice for a final EIS.

Normally, the following situations will require the preparation of an environmental assessment.

* (1) Approval of operations specifications authorizing an operator to use turbojet airplanes for scheduled passenger service into an airport when that airport has not previously been serviced by any scheduled passenger turbojet airplanes.

(2) Approval of operations specifications authorizing an operator to use the Concorde for any scheduled/nonscheduled service into an airport, unless an environmental assessment for such service has been prepared previously.

Note: An assessment could be required, depending upon the situation, for issuance of an air carrier operating certificate or approval of operations specification when a commuter upgrades to turbojet equipment.

f. New Instrument Approach Procedures, Departure Procedures, En Route Procedures, and Modifications to currently approved instrument procedures which are conducted below 3,000 feet ABOVE GROUND LEVEL (AGL) and which will tend to increase noise over noise sensitive areas. This requires consideration of those operations that will be routinely routed over noise sensitive areas and includes residential neighborhoods; education, health, and religious sites; and cultural, historic, and recreation areas. A significant increase in noise is based on reduction of distance between aircraft and noise sensitive areas of more than 20 percent.

4. CATEGORICALLY EXCLUDED ACTIONS.

a. Certificates for new, amended or supplemental aircraft types that meet environmental regulations or new, amended or supplemental engine types that meet emission regulations, or new, amended or supplemental engine types that have been excluded by the EPA; medical, airmen, export, manned free balloon type, glider type, propeller type, supplemental type not affecting noise, emission or waste; mechanic schools, agricultural aircraft operations, repair stations and other air agency ratings;

b. Special flight authorization controlled by operating limitations, FAR sections 21.193, 21.199, 91.29, 91.42, and 91.45.

c. All delegations of authority under section 314 of the FAA Act (49 U.S.C. 1301), e.g., designated examiners and engineering representatives.

d. Approvals of aircraft and engine repairs, parts, and alterations not affecting noise, emissions, or wastes.

e. Aircraft and engine certifications or approvals under regulations which have been covered by prior EIS's or FONSI's provided there have been no significant changes in circumstances.

f. Acoustic change actions that demonstrate compliance with FAR Part 36.

* g. Issuance of Airworthiness Directives (ADs).

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Appendix 4

* h. Operating specifications and amendments thereto which do not significantly change the operating environment of the airport. These would include, but are not limited to, authorizing use of an alternate airport, administrative revisions to operations specifications, or use of an airport on a one-time basis. The use of an airport on a one-time basis means the operator will not have scheduled operations at the airport or will not use the aircraft for which it requests an amended operations specification on a scheduled basis. (See para. 3e(4) for the Concorde.) *

i. Regulatory documents which cover administrative or procedural requirements.

j. Regulations, standards, and exemptions (excluding those which if implemented may cause a significant impact on the human environment).

k. Instrument Approach Procedures, Departure Procedures and En Route Procedures conducted at 3,000 feet or more ABOVE GROUND LEVEL (AGL); Instrument Procedures conducted below 3,000 AGL which do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved instrument procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas, and increases minimum altitudes and landing minima. Noise sensitive areas may include residential neighborhoods, educational, health, and religious sites, and cultural, historic and outdoor recreational areas. A significant increase in noise is based on a reduction of distance between aircraft and noise sensitive areas of more than 20 percent.

l. Denials of: (1) a petition for exemption; (2) a petition for reconsideration of a denial of exemption; (3) a petition for rulemaking; (4) a petition for reconsideration of a denial of a petition for rulemaking; (5) exemptions to Technical Standard Orders (TSOs) when they are routine in nature and have no significant environmental impact.

m. Ongoing actions which are categorically excluded or actions for which FONSI's have been prepared, normally, need only documentation in the project folder that the action is not subject to further environmental consideration. However, should it be determined that a particular action in the above category has a significant impact on the quality of the human environment, an EIS will be required.

5. TIMING OF ENVIRONMENTAL PROCEDURES. Environmental assessments shall be initiated along with technical, economic and operation considerations, and at the earliest practical point in time. The EIS or FONSI shall be filed prior to action; for example, in the case of certificates, prior to issuance.